



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>BOARD OF ARCHITECTS</b>
<b>MEETING DATE AND TIME:</b>	<b>Wednesday, April 2, 2014 at 1:30 p.m.</b>
<b>PLACE:</b>	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
<b>MINUTES APPROVED:</b>	<b>May 7, 2014</b>

**MEMBERS PRESENT**

John Mateyko, RA, Professional Member, President  
Richard Wertz, RA, Professional Member  
Elizabeth Happoldt, Public Member  
Paul Guggenberger, RA, Professional Member  
Todd Breck, RA, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Jennifer Singh, Deputy Attorney General  
Meaghan Jerman, Administrative Specialist II

**ABSENT**

Prameela Kaza, Public Member  
Kevin Wilson, RA, Professional Member, Secretary  
Joseph Schorah, Public Member

**OTHERS PRESENT**

Nancy Payne, AIA Delaware  
Kenneth Freemark, RA  
Peter H. Jennings, RA

**Call to Order**

Mr. Mateyko called the meeting to order at 1:35 p.m.

**Introduction of New Professional Board Members**

Mr. Mateyko introduced Paul Guggenberger, RA and Todd Breck, RA, new professional Board members, recently appointed to the Board of Architects. Mr. Guggenberger and Mr. Breck provided the Board with an overview of their professional history. Mr. Mateyko also recognized departing Board members Mr. Freemark and Mr. Jennings for their dedication and efforts to the Board over their

respective terms and presented them with Certificates of Appreciation on behalf of the Board and the Division of Professional Regulation.

### **Review and Approval of Minutes**

The Board reviewed the minutes of the March 12, 2014 meeting. Ms. Happoldt made a motion, seconded by Mr. Mateyko to accept the minutes as presented. The motion carried unanimously.

### **Unfinished Business**

#### **Discussion on Regulation Changes to Address Requests for Extensions to Complete Continuing Education**

Mr. Mateyko inquired from outgoing Board member Peter Jennings concerning the draft language for revision of the regulations concerning audits. Ms. Singh and Board members reviewed Mr. Jennings draft changes and discussed the suggested language. Ms. Jerman informed the Board that discussion has taken place with Division staff concerning the Board's desire to change their renewal date so that it coincides with the continuing education dates and that Division staff was receptive to the Board's request. Ms. Jerman explained that there is a lot to take into consideration and that she will be working closely with Division leadership to beginning outline the process to change the date. Ms. Singh suggested that perhaps the Board should consider tabling the regulation changes until the time in which the Division begins to move forward with the renewal date change so that additional changes do not have to be made at that time as well.

Mr. Breck proposed that the Board seek clarification from the Division regarding new renewal date prior to the end of the calendar year, seconded by Mr. Wertz. The motion passed unanimously. The Board will consider further rule changes regarding continuing education after the Division has addressed the Board's request to change the renewal date.

#### **Discussion on Regulation Changes to Include the Use of Electronic Seals**

Mr. Wilson and previous Board member Peter Jennings provided draft language on the use of electronic seals for the Board's review. Mr. Jennings explained that NCARB had compiled information on other jurisdictions use of electronic seals and he drafted language that he felt best addressed Delaware's needs. Mr. Jennings shared that there are at least twenty other jurisdictions that allow electronic seals. Ms. Singh explained that she believes the statutory provision of 6 Del. C. § 12A-105 that states that any signature can be electronic gives the Board the authority to add electronic seals. Mr. Breck questioned if the required signature and date that is also required along with the architect's seal can also be done electronically. Mr. Jennings shared that he believed the Board could possibly add something to include the use of electronic signatures along with the seal. The Board discussed the need for electronic seals. Ms. Singh inquired if the Board would want to revise Regulation 7.6.2 which refers to the need for an original signature when plans are sealed. The Board agreed to table this discussion until the next meeting when Mr. Wilson will be present as he received the compilation of information from NCARB.

#### **Update on Collaboration with NCARB for Sharing of Disciplinary Information**

Ms. Jerman informed the Board that the Division will be reporting future licensee disciplinary actions to NCARB. Staff has discussed this matter with Division staff and coordinated with NCARB so the Division may move forward on this matter.

#### **Final Denial of Application – Richard Wilson**

As Mr. Breck recused himself from the vote on the final denial of Mr. Wilson's application, the Board did not have a quorum available. The Board tabled the final denial of the application of Richard Wilson until the May Board meeting.

#### Review and Sign Board Order for Stanley Minka

Ms. Singh reviewed the Board Order for Stanley Minka with the Board. Board member's signed the Order.

#### Discussion of Development of New Subcommittee for the Code Official Law Review

Mr. Mateyko explained that as there have been Board member changes since the previously appointed subcommittee, the Board needed to reappoint new members for the Code Official Law Review Subcommittee meeting. Mr. Breck and Mr. Wertz volunteered to be part of the committee along with Mr. Mateyko. Mr. Mayeko invited Mr. Jennings and Mr. Freemark to continue in their role on the subcommittee. The purpose of the committee is to review details of the statute and regulations with any building official or jurisdiction. Ms. Jerman will coordinate a meeting time and date with the subcommittee.

#### Final Board Approval for Newsletter Distribution

The Board reviewed the draft newsletter. Mr. Wertz suggested changes to content as it related to information concerning Sussex County's recent code changes. Board members also suggested adding a meeting calendar and a reminder that Board meetings are public. Mr. Freemark shared his thoughts of having a seminar advising of Board's regulations etc. Ms. Singh explained that she did not feel that this was an appropriate activity and reminded the Board that their Board meetings were open to the public and licensees could attend. Mr. Guggenberger suggested the newsletter include a PDF copy of the regulations when it is distributed. Mr. Breck suggested that the Board use the newsletter as a vehicle to educate licensees and gauge the success of the communication before determining if a continuing education activity was needed to educate licensees about the Board's rules and regulations.

#### **New Business**

##### Review Board Order for Non-Compliance- Albert Thackrah

Ms. Jerman advised the Board that Mr. Thackrah had an order dated December 3, 2013 in which he was to pay a fine of \$2,500 within 90 days of the Order. To date a payment has not been received. Mr. Guggenberger made a motion to have Ms. Jerman contact Mr. Thackrah regarding his past due payment, seconded by Mr. Breck. The motion passed unanimously. If payment has not been received by the Board's next meeting the Board will look to schedule a Rule to Show Cause hearing for Mr. Thackrah.

##### Review NCARB Changes to the Intern Development Program

The Board reviewed NCARB's proposed changes for the Intern Development Program. The changes being proposed by NCARB will allow interns to earn IDP credit for valid work experience not previously reported within the timeframe specified by the reporting requirement. Currently interns must submit all experience in reporting periods of no longer than six months and within two months of completion of each reporting period. The proposed change would allow credit for intern experience that occurred up to five years beyond the current reporting requirements. The Board agreed that they would support NCARB's proposed changes. Mr. Guggenberger made a motion that the Board notify NCARB of their support of NCARB's proposed changes, seconded by Ms. Happoldt. The motion passed unanimously.

##### Discussion of 24 Del. C. 307(a)(2) and Regulations 3.4 and 4.0-the Intern Development Program and statutory qualifications for licensure

Ms. Singh advised the Board that she feels that the current regulations are in conflict with the Board's statute as it relates to the requirements of the Intern Development Program. The proposed statutory change that would bring them into compliance submitted by the Board last year is on the Senate

Ready list. Ms. Singh further explained that the current rules and regulations do not provide clarification for applicants on how they can demonstrate their experience is in practical training in architectural work. Mr. Jennings pointed out that Regulation 4.1.2 states that the applicant must meet the training requirements set forth in the NCARB Intern Development Program Guidelines. Ms. Singh clarified that the Board cannot subvert the statute through a regulation. Ms. Singh clarified that under the current statute the three years of practical training may be satisfied through the completion of an IDP, but this is not the only way this requirement may be met. If the Board's Bill goes through this will not be an issue. Mr. Breck inquired about Regulation 4.1.2.1. Ms. Singh stated that she feels that this is an improperly promulgated regulation that is in conflict with the current statute. Mr. Jennings shared that he reached out to Senator Bushweller regarding the Board's Bill, but he did not receive a response. Ms. Jerman will speak with Division staff regarding efforts to get the Bill passed.

Mr. Breck expressed his concern with the current Bill developed by the Board as it will significantly limit those who are eligible for licensure. Mr. Breck shared that he believes the Board should have flexibility to also review applicants who do not have the appropriate NCARB credentials for licensure and not exclude these applicants that do not meet NCARB standards. Ms. Singh clarified that it is not too late to pull a Bill if the Board were to decide to broaden their criteria for licensure. Mr. Jennings explained that he has been through three Sunset Reviews and the Board has been encouraged to adopt national standards whenever possible. Mr. Jennings explained that the pending Bill adopts national standards that all but six or eight states already have. Ms. Singh explained that she does not feel that allowing something other than NCARB as a requirement for licensure is bad and she further explained that the goal of the Board is to protect the public and license individuals who are qualified architects and not to necessarily conform to national standards. The Board discussed NCARB's Broadly Experience Architect (BEA) as an alternate pathway to licensure, the requirements and the cost associated. Ms. Jerman informed Board members that the BEA is \$5,000. The Board discussed if moving forward they would like to continue holding applicants to NCARB standards so that anyone who does not fall under the NCARB guidelines is automatically considered not qualified for licensure. The Board decided to table this discussion to the next Board meeting.

#### New Complaints to Assign a Contact Person

There were no new complaints assigned to a contact person.

#### Ratification of Certificate of Authorization Application(s)

Mr. Wertz made a motion, seconded by Mr. Breck to ratify the Certificate of Authorization's issued below. The motion carried unanimously.

Digsau Architecture, PC

#### Ratification of Reciprocity Applications – NCARB Certificate

Mr. Wertz made a motion, seconded by Mr. Breck to ratify the applicants by NCARB certification. The motion carried unanimously.

Earl Santee      Jason Birl

#### Review of Application(s) for the ARE

##### Vishal Sawlani

Mr. Wertz reviewed the application for the ARE of Vishal Sawlani. Mr. Wertz explained Mr. Sawlani's credentials. Mr. Sawlani recently graduated and has started his Intern Development Program; however he does not have 3 years of practical training. Mr. Wertz made a motion that the Board propose to deny Mr. Sawlani's application as he does not meet the statutory requirements for licensure, specifically, pursuant to 24 Del. C. § 307(a)(2) which states that an applicant shall have

completed a minimum of 3 years of practical training in architectural work. This requirement may be satisfied by participation in an intern development program, seconded by Mr. Breck. The motion passed unanimously.

#### Jonathon Selway

Mr. Wertz reviewed the application for the ARE of Jonathon Selway. Mr. Selway has not yet completed his Intern Development Program; however he does have over 3 years of work experience. Mr. Wertz stated he is unclear what work he has been completing at the listed firms and whether he has been working under a licensed architect. The Board discussed an existing conflict between the regulations of the Board and the current statute. Ms. Singh explained that at this time Mr. Selway potentially meets the statutory qualifications for licensure as they currently exist. Ms. Singh advised the Board that they cannot look to the regulations which eliminate that avenue at this time. Additionally, there are not sufficient regulations as to how the Board evaluates three years of practical training in architectural work. The Board discussed Mr. Selway's listed experience. Ms. Singh advised the Board that they may request additional clarification from the applicant regarding his practical training experience. Mr. Breck suggested the applicant provide a more detailed description of the work completed. Board members agreed with this suggestion. Mr. Breck made a motion to table Mr. Selway's application pending further information regarding his practical training in architectural work, seconded by Ms. Happoldt. The motion passed unanimously. Ms. Jerman will send correspondence to Mr. Selway requesting further details on the practical training he has completed to date.

#### Other Business Before the Board (for discussion only)

Mr. Wertz explained that he and Mr. Jennings will be visiting Delaware Tech on April 9<sup>th</sup> to speak with the students of the Service Learning Project regarding the practice of architecture. Mr. Wertz provided a historical overview to new Board members of the Delaware Tech Memorandum of Understanding that was established with the Board for the purposes of the Service Learning Project.

Mr. Jennings provided the Board a copy of the Memorandum of Understanding that was established with the Delaware Association of Professional Engineers in 2006. Ms. Jerman will provide a copy to Board members at the May Board meeting for further review.

#### Public Comment

There was no public comment.

#### Next Scheduled Meeting

The next meeting will be held on April 2, 2014 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### Adjournment

With no further business before the board, Mr. Breck made a motion to adjourn the public meeting, seconded by Mr. Mateyko. The motion carried unanimously. The meeting adjourned at 4:00p.m.

Respectfully submitted,



Meaghan Jerman  
Administrative Specialist II